



**Contra
Costa
County**

To: Wiedemann Ranch GHAD Board of Directors
 From: Patricia E. Curtin, GHAD Attorney and General Manager
 Date: July 13, 2021

Subject: Proposed Annexation of the Magee Preserve Development into the Wiedemann Ranch Geologic Hazard Abatement District

RECOMMENDATION(S):

ADOPT Resolution 2021/03 approving the annexation of the Magee Preserve Development into the Wiedemann Ranch Geologic Hazard Abatement District (GHAD), and Magee Preserve Development Plan of Control, and consider any written objections thereto as required under Public Resources code section 26581.

FISCAL IMPACT:

The GHAD is funded 100% through assessments levied on properties within the GHAD.

BACKGROUND:

On September 1, 1998, the Contra Costa County Board of Supervisors adopted Resolution No. 98/438 approving the formation of the Wiedemann Ranch GHAD and appointed itself to serve as the GHAD Board of Directors.

The GHAD Board, subject to the confirmation of the County Board of Supervisors (as the formation body of the GHAD) has the authority to approve annexations to the GHAD.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/13/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
 Candace Andersen, District II Supervisor
 Diane Burgis, District III Supervisor
 Karen Mitchoff, District IV Supervisor
 Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 13, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Haley Ralston
 909.373.5457

cc:

BACKGROUND: (CONT'D)

Several properties have already been annexed into the GHAD. On April 11, 2000, the Wiedemann Ranch GHAD Board of Directors adopted Resolution Nos. 2000/166 and 2000/167 approving annexation of the Henry Ranch development (Subdivision 8118) in San Ramon into the Wiedemann Ranch GHAD.

On July 29, 2014, the Wiedemann Ranch GHAD Board of Directors adopted Resolution 2014/03 approving annexation of the Elworthy Ranch development in Danville into the Wiedemann Ranch GHAD.

On January 19, 2016, the Wiedemann Ranch GHAD Board of Directors adopted Resolution 2016/01 approving annexation of the Red Hawk (formerly Podva Property) development (Subdivision 9309) in the Town of Danville into the Wiedemann Ranch GHAD.

The Magee Preserve development (Subdivision 9291) is located at the terminus of San Andreas Drive, south of Diablo Road and Blackhawk Road in the Town of Danville. Sixty-nine single family homes along with appurtenant improvements are planned for the development. Due to the potential for geologic hazards and related required ongoing maintenance, the Conditions of Approval for the Magee Preserve development require that it be included within a GHAD. To satisfy this requirement, the developer of the Magee Preserve development has elected to petition the GHAD Board to annex the Magee Preserve development into the existing Wiedemann Ranch GHAD. The territory to be annexed pursuant to the Petition for Annexation is currently owned by the developer. The boundaries of the territory to be annexed and the boundaries of the Magee Preserve development are the same.

In connection with the proposed annexation, a proposed Plan of Control has been prepared. The Plan of Control is separate from the other Plans of Control prepared for existing developments within the Wiedemann Ranch GHAD and describes the work contemplated for the Magee Preserve development, including maintenance and monitoring activities, including slopes, retaining walls, subdrains, storm drain facilities, and concrete-lined drainage ditches. When adopted, the Magee Preserve Plan of Control would address geologic hazards within Subdivision 9291.

Funding for the GHAD activity on the proposed annexed area to prevent, mitigate, abate and control geologic hazards will be based on an assessment, and such funds will be collected and used in connection with the Magee Preserve Plan of Control. The proposed assessment will be supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California, and will be considered at a subsequent date in accordance with Proposition 218. The proposed assessment does not impact or change the existing assessments for the current landowners in the GHAD.

GHAD Law requires that a Petition for Annexation be placed on the GHAD Board

agenda and thereafter, a public hearing be conducted to consider the Petition. Notice of the hearing is to be sent to property owners within the proposed annexation area. If at the hearing more than 50 percent of the assessed valuation of the properties to be annexed object, the annexation proceedings must be abandoned. If there are no such objections, the GHAD Board may approve the annexation.

On June 22, 2021 the GHAD Board of Directors adopted Resolution No. 2021/02 to set July 13, 2021 to consider the proposed annexation and the proposed Plan of Control for the Magee Preserve Development, and hear any written objections thereto.

Davidon, as the sole owner of real property within the GHAD annexation area, is the signatory of the Petition for Annexation. Davidon waived their entitled notice and public hearing provided under Public Resources Code Sections 26556, 26558(c), and 26561. Since there are no objections on the Petition of Annexation, the GHAD Manager recommends the GHAD Board adopt Resolution No. 2021/03 accepting the Petition and Plan of Control.

CONSEQUENCE OF NEGATIVE ACTION:

The owners of the Magee Preserve Development will have to form a new GHAD or seek annexation into another GHAD to satisfy Town of Danville condition of approval for the Magee Preserve Development.

ATTACHMENTS

Wiedemann Ranch Resolution No. 2021/03

Attachment 1 to Reso 2021/03_Petition for Annexation of Territory to the Wiedemann Ranch GHAD